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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.92 OF 2009

Sau. Sunita Laxman Kolhe Petitioner
Vs.
Arjunchandra Swarupchandra Chouhan
& Others Respondents

Mr. Mandar V. Limaye for the Petitioner.
Mr. B.V. Samant, AGP, for the Respondent-State.
Mr. Nirmal Arjun Chouhan, Chairman, in-person,
present.

CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.

DATE : JANUARY 08, 2020

P.C:

1. The 2nd January, 2020 order resulted in the Education Officer visiting the premises and ascertaining for himself the position, particularly with regard to the order passed by this Court which has been upheld in the Hon'ble Supreme Court of India.

2. The Management of the educational institution has been made aware of the consequences, including the enactment in the field. This enactment enables the State to intervene and takeover the management of an educational institution in the event the administration of the same is not



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being carried in public interest or in the interest of education. The phraseology of sub-section (1) of Section 3 of The Maharashtra Educational Institutions (Management) Act, 1976 would enable the authority to intervene and takeover the management of the institution and its properties. An Administrator can also be appointed.

3. If the Management before us, which is represented by an Advocate acting as Chairman, is interested in avoiding such consequences, it must show its *bona fides* to the Court. It is said that the Chairman, who is present in Court, is an Advocate enrolled with the Bar Council of Maharashtra and Goa. Mr. Nirmal Arjun Chouhan assures the Court that an affidavit will be filed, setting out the factual position till date and the compliance of the order passed by the School Tribunal which has been upheld by this Court.

4. We place this matter, at the request of this Chairman and to enable him to file an affidavit, on **3-2-2020**. It shall be listed under the caption "Urgent Admission".

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)